

13281 U.S.PTO  
102403

PATENT  
ATTORNEY DOCKET NO.: ST3001-0031

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents  
**Mail Stop PATENT APPLICATION**  
Washington, D.C. 22313

15535 U.S. PTO  
10/691705  
10/24/03

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION  
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventor: **Aki HIRAMOTO**

For: **OPTICAL SEMICONDUCTOR DEVICE**

1. This is a new  **Utility**  **Design**  **Plant** patent application.
2. The papers enclosed to obtain a filing date are as follows:

10 Pages of Specification including  
0 Title Page  
1 Pages of Claims  
1 Page of Abstract  
3 Sheets of drawings containing 5 figures

The enclosed drawings are photographs, and there is also attached a  
PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)

3. Combined Declaration and Power of Attorney

Enclosed and is executed by all inventors  
 Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. §1.53(f).  
Applicant(s) await notification from the Patent and Trademark Office of  
the time set for filing the Declaration and paying the filing fees.

## 4. Language

English  
 Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

## 5. Assignment

An assignment of the invention and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.  
 An assignment will be filed at a later date.

## 6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

[ X ] Priority of the following foreign application is claimed:

Country	Application No.	Filed
Japan	2003-162112	June 6, 2003
Japan	2003-273963	July 14, 2003

Certified copies: [ x ] are attached. [ ] will follow.

## A. Relate Back - 35 U.S.C. §119 (PRELIMINARY AMENDMENT)

Amend the specification by inserting before the first line the sentence:  
**“This application claims priority of Japanese patent application No. JP2003-162112 filed on June 6, 2003 and Japanese patent application No. JP2003-273963 filed on July 14, 2003, both of which are hereby incorporated by reference.”**

## 7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

[ ] Priority of the following provisional application(s) is claimed:

Application No.	Filed

## 8. Small entity status

A statement claiming small entity status under 37 C.F.R. §1.27 is asserted for the present application.

## 9. Fee Calculation (37 C.F.R. §1.16)

	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$770.00 Design \$340.00
Total Claims (37 C.F.R. §1.16(c))	2 - 20 =	0	18.00	\$0.00
Independent Claims (37 C.F.R. §1.16(b))	1 - 3 =	0	86.00	\$0.00
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			290.00	
<b>SUB-TOTAL =</b>				<b>\$770.00</b>
Reduction by 1/2 for filing by a small entity				
<b>TOTAL FILING FEE =</b>				<b>\$770.00</b>

## 10. Fee Payment

Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

Check No.192 for \$770.00 representing the basic filing fee, and Check No.193 for \$40.00 representing the assignment recording fee are enclosed.

11.       **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Applicant's representative's Deposit Account. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

12.      Additional papers enclosed:

- Preliminary Amendment
- Information Disclosure Statement
- Form PTO-1449, 1 document included
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

**Please accord this application an application number and filing date.**

Respectfully submitted,

**The Kenealy Law Office, LLC**



---

David J. Kenealy, Reg. No. 40,411

Dated: October 24, 2003

**Customer No. 39083**

The Kenealy Law Office LLC

4821 South 29<sup>th</sup> Street

Arlington, VA 22206

703/820-0175